

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICHARD BEALL,
Plaintiff,

vs.

OFFICER LEROY PENA and
OFFICER JEFF BEEZLEY,
Defendants.

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CIVIL ACTION NO.

3:06-CV-0733-D
ECF

DEFENDANTS' RULE 26(a)(3) PRETRIAL DISCLOSURES

Defendants, Officer Leroy Pena and Officer Jeff Beezley ("Defendants"), pursuant to Fed. R. Civ. P. 26(a)(3) and the Court's Trial Setting Order entered on 25 July 2005, make these pretrial disclosures.

Defendants object to disclosure of the home address or telephone number of any present or former Dallas police officer or City of Dallas employee. Subject to that objection, the Defendants make the following disclosures:

A. DEFENDANTS' WITNESSES (Rule 26(a)(3)(A))

Witnesses Defendants expect to present:

1. Leroy Pena #7914
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519
2. Jeffrey Beezley #7875
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519

3. Brandon Thompson #8411
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519
4. Bradford Davis #7583
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519
5. Carl A. Kother
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519

Witnesses Defendants may present if the need arises:

1. Ryan Nordyke
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519
2. Michael Mondy #7334
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519
3. Jose Losoya #4286
c/o Dallas City Attorney
Dallas City Hall 7BN
1500 Marilla Street
Dallas, Texas 75201
214.670.3519
4. Custodian of Records
Dallas Police Department
214.671.3375

Defendants reserve the right to call additional witnesses in rebuttal to evidence presented by Plaintiff.

B. DESIGNATIONS OF TESTIMONY BY DEPOSITION (Rule 26(a)(3)(B))

None.

C. DOCUMENTS AND OTHER EXHIBITS (Rule 26(a)(3)(C))

Documents and other exhibits Defendants expect to offer:

1. Dallas Police Department Offense Incident Report # 0300057-N, dated 04/25/04, and all supplements.
2. Dallas Police Department Prosecution Report # 0303773-N, dated 04/26/04, and all supplements.
3. Dallas Police Department General Order 900.00 – 906.02 (Response Continuum).
4. PPCT Defensive Tactics Student Manual, PPCT Management Systems, Inc., pages 4-7 through 4-10.
5. PPCT Defensive Tactics Student Manual, PPCT Management Systems, Inc., pages 5-6 through 5-7.
6. PPCT Defensive Tactics Student Manual, PPCT Management Systems, Inc., pages 10-1 through 10-16.

Documents and other exhibits Defendants may offer if the need arises:

1. Sworn Statement of Witness by Richard Beall, dated 30 April 2004.
2. Sworn Statement of Witness by Michael Beall, dated 11 June 2004.
3. Attested statement by Delores Beall, undated.
4. Sworn Statement of Witness by Carl A Kother, dated 26 May 2004.
5. Sworn Statement of Witness by Ryan Nordyke, dated 26 May 2004.
6. Internal Statement by Police Officer Leroy Pena #7914, dated 21 May 2004.
7. Internal Statement by Police Officer Jeffrey Beezley #7875, dated 3 June 2004.
8. Internal Statement by Police Officer Brandon Thompson #8411, dated 12 May 2004.
9. Internal Statement by Police Officer Bradford Davis #7583, dated 12 May 2004.

10. Internal Statement by Police Officer Michael Mondy #7334, dated 14 May 2004.

Defendants reserve the right to offer additional exhibits in rebuttal to evidence presented by Plaintiff.

Respectfully submitted,

CITY ATTORNEY OF THE CITY OF DALLAS

JASON G. SCHUETTE

Assistant City Attorney

Texas Bar No. 17827020

TATIA R. RANDOLPH

Assistant City Attorney

Texas Bar No. 00795793

1500 Marilla Street, 7BN

Dallas, Texas 75201

214.670.3519

214.670.0622 – Fax

By: *s/ Jason G. Schuette*

Assistant City Attorney

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on 7 March 2008 I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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s/ Jason G. Schuette

Assistant City Attorney